

Exhibit 5

Dockery Action Docket

**Commonwealth of Massachusetts
SUPERIOR COURT
Case Summary
Civil Docket**

Dockery v GMAC Mortgage LLC

Details for Docket: PLCV2007-01433

Case Information

Docket Number:	PLCV2007-01433	Caption:	Dockery v GMAC Mortgage LLC
Filing Date:	11/02/2007	Case Status:	Suspended (Bankruptcy)
Status Date:	06/07/2012	Session:	Civil A - CtRm 5 (Brockton)
Lead Case:	NA	Case Type:	Complex

Tracking Deadlines

TRK:	F	Discovery:	08/28/2008
Service Date:	01/31/2008	Disposition:	08/23/2009
Rule 15:	03/31/2008	Rule 12/19/20:	03/31/2008
Final PTC:	02/24/2009	Rule 56:	10/27/2008
Answer Date:	03/01/2008	Jury Trial:	YES

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Answer Date:	03/01/2008	Jury Trial:	YES

Parties Involved

3 Parties Involved in Docket: PLCV2007-01433

Party Involved:		Role:	Defendant
Last Name:	GMAC Mortgage LLC	First Name:	

Address: 4 Walnut Grove Drive
City: Horsham
Zip Code: 19044
Telephone:

Address:
State: PA
Zip Ext:

Party Involved:
Last Name: 21st Mortgage Corporation
Address:
City:
Zip Code:
Telephone:

Role: Other interested party
First Name:
Address:
State:
Zip Ext:

Party Involved:
Last Name: Dockery
Address: 46 Sharon Street
City: Brockton
Zip Code: 02302
Telephone: 617-265-6601

Role: Plaintiff
First Name: Michael
Address:
State: MA
Zip Ext:

Attorneys Involved

7 Attorneys Involved for Docket: PLCV2007-01433

Attorney Involved:
Last Name: Slattery
Address: Law Office of Keith Slattery
City: Peabody
Zip Code: 01960
Telephone: 978-717-5406
Fascimile: 978-717-5407

Firm Name:
First Name: Keith
Address: Post Office Box 2057
State: MA
Zip Ext:
Tel Ext:
Representing: Dockery, Michael (Plaintiff)

Attorney Involved:
Last Name: McKelvey
Address: 28 State Street
City: Boston
Zip Code: 02109
Telephone: 617-213-7006

Firm Name: HINS01
First Name: Maura K.
Address: 24th floor
State: MA
Zip Ext:
Tel Ext:

Fascimile:	617-213-7001	Representing:	GMAC Mortgage LLC, (Defendant)
Attorney Involved:		Firm Name:	HINS01
Last Name:	Bunce	First Name:	Jennifer S
Address:	28 State Street	Address:	24th floor
City:	Boston	State:	MA
Zip Code:	02109	Zip Ext:	
Telephone:	617-213-7000	Tel Ext:	
Fascimile:	617-213-7001	Representing:	GMAC Mortgage LLC, (Defendant)
Attorney Involved:		Firm Name:	HARM01
Last Name:	Normand	First Name:	Jennifer J.
Address:	P.O. Box 610389	Address:	
City:	Newton Highlands	State:	MA
Zip Code:	02461	Zip Ext:	0389
Telephone:	617-558-2264	Tel Ext:	
Fascimile:	617-243-4038	Representing:	GMAC Mortgage LLC, (Defendant)
Attorney Involved:		Firm Name:	HINS01
Last Name:	Fabella	First Name:	Justin M.
Address:	28 State Street	Address:	24th Floor
City:	Boston	State:	MA
Zip Code:	02109	Zip Ext:	
Telephone:	617-213-7000	Tel Ext:	
Fascimile:	617-213-7001	Representing:	GMAC Mortgage LLC, (Defendant)
Attorney Involved:		Firm Name:	SHEC02
Last Name:	Souza	First Name:	Randall L
Address:	1080 Main Street	Address:	
City:	Pawtucket	State:	RI
Zip Code:	02860	Zip Ext:	4847
Telephone:	401-272-1400	Tel Ext:	
Fascimile:	401-272-1403	Representing:	GMAC Mortgage LLC, (Defendant)
Attorney Involved:		Firm Name:	SHEC02
Last Name:	Atchison	First Name:	James G.
Address:	1080 Main Street	Address:	

City: Pawtucket **State:** RI
Zip Code: 02860 **Zip Ext:**
Telephone: 401-272-1400 **Tel Ext:**
Fascimile: 617-428-0801 **Representing:** 21st Mortgage Corporation,
(Other interested party)

Calendar Events

34 Calendar Events for Docket: PLCV2007-01433

No.	Event Date:	Event Time:	Calendar Event:	SES:	Event Status:
1	12/17/2007	09:00	Status: by clerk	A	Event held as scheduled
2	02/26/2009	15:00	Conf: final pre-trial	A	Event not held-joint request
3	05/26/2009	15:00	Conf: final pre-trial	A	Event not held-joint request
4	08/04/2009	15:00	Conf: final pre-trial	A	Event rescheduled by court prior to date
5	08/17/2009	14:00	Motion/Hearing: Rule56	A	Event held as scheduled
6	10/19/2009	15:00	Conf: final pre-trial	A	Event held as scheduled
7	11/17/2009	14:30	Conf: special call	A	Event rescheduled by court prior to date
8	12/17/2009	14:00	Conf: special call	A	Event not held-joint request
9	01/15/2010	14:00	Conf: special call	A	Event held as scheduled
10	02/23/2010	14:00	Conf: special call	A	Event held as scheduled
11	03/30/2010	10:00	Conf: special call	A	Event held as scheduled
12	05/19/2010	09:00	TRIAL: by jury	A	Event not held-joint request
13	08/10/2010	09:00	Status: by session	A	Event held as scheduled
14	09/22/2010	09:00	TRIAL: by jury	A	Event not held-joint request
15	11/30/2010	09:00	Status: by session	A	Event held as scheduled
16	02/22/2011	09:00	TRIAL: by jury	A	Event not held-joint request
17	03/28/2011	09:00	TRIAL: by jury	A	Event not held-joint request
18	06/06/2011	09:00	TRIAL: by jury	A	Event not held-joint request
19	08/29/2011	09:00	Status: by session	A	Event held as scheduled
20	09/26/2011	09:00	TRIAL: by jury	A	Trial begins
21	09/27/2011	09:00	TRIAL: by jury	A	Event continues over Multiple Days
22	09/28/2011	09:00	TRIAL: by jury	A	Trial ends
23	01/12/2012	14:00	Status: Clerk Follow UP	B	Event held as scheduled
24	04/04/2012	16:00	Status: Clerk Follow UP	B	Event canceled not re-scheduled
25	04/10/2012	16:00	Status: Clerk Follow UP	B	Event held as scheduled
26	04/13/2012	16:00	Status: Clerk Follow UP	B	Event held as scheduled
27	06/11/2013	16:00	Status: Clerk Follow UP	B	Event held as scheduled
28	12/11/2013	16:00	Status: Clerk Follow UP	B	Event held as scheduled
29	03/20/2014	14:00	Status: administrative	B	Event held as scheduled
30	05/20/2014	16:00	Status: Clerk Follow UP	B	Event canceled not re-scheduled
31	10/14/2014	14:00	Motion/Hearing: prel inj	A	Event held as scheduled

32	10/24/2014	09:00	Motion/Hearing: prel inj	A	Event rescheduled by court prior to date
33	10/27/2014	14:00	Motion/Hearing: prel inj	A	Event held as scheduled
34	01/05/2015	14:00	Motion/Hearing: prel inj	A	

Full Docket Entries

209 Docket Entries for Docket: PLCV2007-01433

Entry Date:	Paper No:	Docket Entry:
11/02/2007	1	Complaint & civil action cover sheet filed (chk 280.00 recvd, 1
11/02/2007	1	summons)
11/02/2007		Origin 1, Type A01, Track F.
11/02/2007		Case selected for review pursuant to ST.1996.c358,s.5 [St. 2000, c.
11/02/2007		142, s. 5, as amended 2002, c. 70, as amended 2004, c. 252]
11/02/2007		Notice of 93A complaint sent to Attorney General
11/29/2007	2	Affidavit of Keith Slattery - SERVICE RETURNED: GMAC Mortgage
11/29/2007	2	LLC(Defendant) - Long Arm
12/24/2007	3	ANSWER and jury claim of GMAC Mortgage LLC(Defendant)
12/30/2008	4	Notice sent to appear for pre-trial conference on Thursday, February
12/30/2008	4	26, 2009 @ 3:00PM in Brockton
02/20/2009	5	Joint MOTION to continue the pre-trial conference filed and ALLOWED
02/20/2009	5	(Hely, J)cc; mailed 2/25/09
02/25/2009	6	Notice sent to appear for pre-trial conference on Tuesday, May 26,
02/25/2009	6	2009 @ 3:00PM in Brockton
05/21/2009	7	Joint motion to continue the pre trial conference scheduled for May
05/21/2009	7	26, 2009 ; filed and ALLOWED (Chin,J)
06/04/2009	8	Atty Neil Burns's withdrawal of appearance filed re: Michael Dockery
06/04/2009	9	Atty Keith Slattery's notice of appearance for Michael Dockery
06/25/2009	10	Notice sent to appear for pre-trial conference on Tuesday, August 4,
06/25/2009	10	2009 @ 3:00PM in Brockton
07/16/2009	11	Defendant GMAC Mortgage LLC's MOTION, brief and affidavit for Summary
07/16/2009	11	Judgment, pursuant to Mass.R.Civ.P. 56, opp
07/23/2009	12	Notice sent to appear on August 17, 2009 @ 2:00 in Brockton for a
07/23/2009	12	hearing on Summary Judgment
08/17/2009		Hearing on (P#11) rule 56 held, matter taken under advisement.
08/17/2009		(Jeffrey A. Locke, Justice)
08/17/2009		Motion (P#11) Defendant GMAC Mortgage motion for summary judgment:
08/17/2009		After hearing DENIED (Jeffrey A. Locke, Justice). cc:
09/17/2009	13	Notice sent to appear for pre-trial conference on Monday, October 19,
09/17/2009	13	2009 @ 3:00PM in Brockton
10/16/2009	13	Atty Maura K McKelvey and Jennifer S Bunce's notice of appearance for
10/16/2009	13	GMAC Mortgage LLC

10/16/2009	13	Atty Jennifer J. Normand's withdrawal of appearance filed re: GMAC
10/16/2009	13	Mortgage LLC
10/19/2009	14	Pre-trial memorandum of Michael Dockery
10/19/2009	15	Pre-trial ORDER;special order; All depo's to be taken w/in 60 days.
10/19/2009	15	Attys' will have until 10/26/09 to report to clerk David Biggs re:
10/19/2009	15	Mediation Session (Locke, J) cc; in court
10/27/2009	16	Notice sent to appear on Tuesday, November 17, 2009 @ 2:30PM in
10/27/2009	16	Brockton for Mediation w/DB
11/17/2009		Court received letter to reschedule mediation per conversation
11/17/2009		w/David Biggs
11/19/2009	17	Notice sent to appear Thursday, December 17, 2009 @ 2:00PM in
11/19/2009	17	Brockton for mediation w/DB
12/17/2009	18	Notice sent to appear on January 15, 2010 @ 2:00 in Brockton for a
12/17/2009	18	Mediation with David Biggs
02/03/2010		By agreement of the parties - case scheduled for Mediation with Asst.
02/03/2010		Clerk David Biggs on Tuesday, February 23, 2010 @ 2:00 in Brockton
02/23/2010	19	Pre-trial ORDER: Trial with May 19, 2010 @ 9:00 in Brockton *After
02/23/2010	19	mediation with Clerk Biggs, case continued to March 30, 2010 for a
02/23/2010	19	10:00 AM phone conference. By agreement...depo of Mr. Dockery to be
02/23/2010	19	taken on 4/7/10 (Hely, J.) cc: 2/24/10
05/18/2010		Trial continued to August 10, 2010 @ 9:00 in Brockton; by agreement
05/18/2010		of the parties
08/10/2010		After status - case continued to September 22, 2010 @ 9:00 in
08/10/2010		Brockton for Trial (Locke, J.)
09/16/2010	20	Deft's. Assented to MOTION To Continue Trial, filed and ALLOWED -
09/16/2010	20	Trial continued to November 30, 2010 @ 9:00 in Brockton (Locke, J.)
09/16/2010	20	cc: 9/17/10
11/19/2010	21	Plaintiff Michael Dockery's MOTION in limine to Preclude
11/19/2010	21	Evidence/Records of Michael Dockery's Finances Disclosec During
11/19/2010	21	Settlement Negotiation
11/19/2010	22	Plaintiff Michael Dockery's MOTION in limine to Preclude
11/19/2010	22	Evidence/Records of Any Potential Reason For Foreclosure That Was Not
11/19/2010	22	The Subject of This Lawsuit
11/30/2010		After status - case continued to February 22, 2011 @ 9:00 in Brockton
11/30/2010		for Trial (Hely, J.)
01/26/2011		By agreement of the parties - Trial continued to March 28, 2011 @
01/26/2011		9:00 in Brockton
04/07/2011		By agreement - Trial continued to June 6, 2011 @ 9:00 in Brockton
05/06/2011		Attorney Maura K McKelvey for GMAC Mortgage LLC, Notice of change of
05/06/2011		address
06/06/2011		By Agreement - Trial continued to August 29, 2011 @ 9:00 in Brockton
06/06/2011		(David M. Biggs, Asst. Clerk)
08/20/2011		

		After status - Case continued to September 26, 2011 @ 9:00 in
08/29/2011		Brockton for Trial - First Case Out (Cosgrove, J.)
09/15/2011	23	Atty Justin M. Fabella's notice of appearance for GMAC Mortgage LLC
09/22/2011	24	Defendant GMAC Mortgage LLC's MOTION in limine to Preclude The
09/22/2011	24	Plaintiff From Claiming or Referencing Lost Earning Damages At Trial
09/22/2011	25	Defendant GMAC Mortgage LLC's MOTION in limine to Preclude Any
09/22/2011	25	Reference To Or Evidence of Damages Based On The Economic Loss Rule
09/22/2011	26	Defendant GMAC Mortgage LLC's MOTION in limine to Preclude The
09/22/2011	26	Plaintiff From Claiming or Referencing Emotional Distress Damages At
09/22/2011	26	Trial
09/22/2011	27	Defendant GMAC Mortgage LLC's MOTION in limine Based on The Doctrine
09/22/2011	27	of In Pari Delicto
09/22/2011	28	Defendant GMAC Mortgage LLC's MOTION for Voir Dire of Prospective
09/22/2011	28	Jurors
09/23/2011	29	Deft's. MOTION in limine To Preclude Any Reference To Plaintiff's
09/23/2011	29	Credit Score, Credit History and/or Denial of Loan Applications on
09/23/2011	29	the Basis of Hearsay, filed..No Action
09/23/2011	30	Deft's. MOTION in limine To Preclude The Plaintiff From Seeking
09/23/2011	30	Attorney's Fees and Multiple Damages
09/26/2011	31	Plaintiff's Proposed Jury Instructions
09/26/2011	32	Deft's. Request For Jury Instructions
09/26/2011	33	Plaintiff's Witness list
09/26/2011	34	Deft's. Request For Jury Instructions
09/26/2011		Motion (#21, to preclude) ALLOWED (Cosgrove, J.)
09/26/2011		Motion (#22, to preclude) DENIED (Cosgrove, J.)
09/26/2011		Motion (P#24, to preclude) DENIED, subject to deft's right to object
09/26/2011		to any particular piece of evidence (Cosgrove, J.)
09/26/2011		Motion (P#25, to preclude) DENIED (Cosgrove, J.)
09/26/2011		Motion (P#26, to preclude) ALLOWED (Cosgrove, J.)
09/26/2011		Motion (P#27, to preclude) DENIED (Cosgrove, J.)
09/26/2011		Case called for Trial. All counsel present and 12 jurors seated
09/26/2011		(Cosgrove, J.) JAVS
09/27/2011		Jury Trial Continues. All counsel and 12 jurors present (Cosgrove,
09/27/2011		J.) JAVS
09/28/2011	35	Verdict on Special Questions of jury for defendant, GMAC Mortgage LLC
09/28/2011	35	(Cosgrove, J.) JAVS
09/28/2011		Jury Trial continues and Ends this day. All counsel and 12 jurors
09/28/2011		present. All Exhibits returned to parties. After hearing with the
09/28/2011		Court, 93A Waived by the plaintiff (Cosgrove, J.) JAVS
10/06/2011	36	JUDGMENT on jury verdict for the defendant(s), GMAC Mortgage LLC
10/06/2011	36	(Cosgrove, J.) Copies mailed 10/6/2011
10/21/2011	37	Affidavit of Justin M. Fabella For Taxation of Costs pur. to MRCP 54
10/21/2011		

	37	and G.L. c. 261, S.1
10/24/2011	38	Pro Se Plaintiff Michael Dockery's notice of appeal
11/03/2011		Affidavit for Taxation of Costs forwarded to Judge Cosgrove sitting
11/03/2011		Norfolk Superior Court
11/08/2011	39	Notice of filing of appeal sent sent to all parties
11/08/2011		Case returned to Brockton pending decision on taxation of costs
11/22/2011	40	Judgment for Taxation of Costs against Michael Dockery (Robert C.
11/22/2011	40	Cosgrove, Justice) dated 11/9/11. Entered and Copies mailed 11/22/11
12/05/2011	41	Plaintiff Michael Dockery's MOTION for entry of an Order denying
12/05/2011	41	Defendant's Motion to Dismiss Appeal.
01/03/2012	42	Motion (P#41) No motion on file (Adam J. Baler, Assistant Clerk).
01/03/2012	42	Notices mailed 1/4/2012
03/01/2012	43	STATUS REVIEW of Appeal. Copies mailed 3/2/2012
03/14/2012	43	Defendant GMAC Mortgage LLC's MOTION to dismiss Michael Dockery's
03/14/2012	43	appeal; Memorandum of Law in Support; Affidavit of Compliance with S.
03/14/2012	43	C. Rule 9A, No Opposition
03/16/2012	44	Status review notice returned from Michael Dockery:in the
03/16/2012	44	process of reviewing and analyzing the transcript of the trial for
03/16/2012	44	appellate issues. Estimates completion of this process will take
03/16/2012	44	maybe 3 more weeks (copy of Transcript Order form sent to OTS 11/2/11)
03/27/2012	45	(P#44) Motion to extend time to designate and thereafter assemble
03/27/2012	45	review Allowed to be completed by April 11, 2012. (Christopher J.
03/27/2012	45	Muse, Justice). Notices mailed 3/27/2012
03/29/2012	46	Pltff's MOTION for entry of an order denying deft's motion to dismiss
03/29/2012	47	Certification of transcript ordered
04/11/2012	48	Plaintiff Michael Dockery's Notice of intent to file motion Rule 60(b)
04/11/2012	49	Plaintiff Michael Dockery's MOTION to extend time (3 months) pending
04/11/2012	49	a ruling on Rule 60(b).
04/11/2012	50	Motion (P#49) Motion to be served and filed pursuant to Superior
04/11/2012	50	Court Rule 9A (Christopher J. Muse, Justice). Notices mailed 4/12/2012
05/14/2012	51	Motion (P#43.1) As Plaintiff has complied with requirements, DENIED.
05/14/2012	51	(Christopher J. Muse, Justice). Notices mailed 5/15 /2012
06/07/2012	52	Suggestion of bankruptcy by Defendant, GMAC Mortgage LLC
06/07/2012	53	Order on suggestion of defendant, GMAC Mortgage LLC bankruptcy:
06/07/2012	53	Christopher J. Muse, Justice
11/20/2012		Status reviewof Bankruptcy notice returned from Plaintiff Dockery
11/20/2012		statting proceedings are still on going
05/17/2013	54	Pltff's Status Report
11/13/2013	55	Court received Status Report Deft GMAC: bankruptcy proceedings is
11/13/2013	55	ongoing
01/07/2014	56	Status Report received from Plaintiff stating GMAC bankruptcy
01/07/2014	56	proceedings has been conluded - and seeking an order to remove the
01/07/2014		

	56	stay
02/28/2014	57	Notice sent to appear on 3/20/2014 @2:00pm in Plymouth for a hearing
02/28/2014	57	on Status Conference
03/19/2014	58	Atty Randall L Souza's notice of appearance for GMAC Mortgage LLC
03/19/2014	59	Attys Maura K. McKelvey, Justin Fabella and Jennifer S Bunce's
03/19/2014	59	withdrawal of appearance filed re: GMAC Mortgage LLC
03/25/2014	60	At Status Conference Bankruptcy proceedings concluded. Plaintiff to
03/25/2014	60	serve, pursuant to Superior Court Rule 9A, his motion for relief from
03/25/2014	60	Judgment purs. to Mass R. Civ. P. 60(b) within 20 days. Defendant
03/25/2014	60	shall have 30 days to respond unless otherwise agreed to.
03/25/2014	60	(Christopher J. Muse, Justice). Notices mailed 3/25/2014
05/16/2014	61	Plaintiff Michael Dockery's MOTION to Vacate judgment, Memorandum of
05/16/2014	61	Law in Support, Affidavit of Michael Dockery in support; Defendant's
05/16/2014	61	Opposition, Statment of Reasons in support; Exhibit List
06/04/2014	62	Court received a letter from deft's counsel, Randall L. Souza, Esq,
06/04/2014	62	requesting leave to file deft's supplemental memorandum in support of
06/04/2014	62	its opposition to plttf's motion for relief from judgment
06/12/2014	63	Letter (P#62) After review, Request Allowed (Robert Cosgrove,
06/12/2014	63	Justice). Notices mailed 6/12/2014
06/18/2014	64	Deft's supplemental memorandum in support of its opposition to
06/18/2014	64	plttf's motion for relief from judgment
07/02/2014	65	Motion (P#61) As the defendant represents that the bankruptcy of GMAC
07/02/2014	65	Mortgage remains before the US Bankruptcy court and that that Court's
07/02/2014	65	"stay remains in full force and effect, " this court takes no action,
07/02/2014	65	nor shall it, abort the filing of documentation from the bankruptcy
07/02/2014	65	court clearly indictating that the proceedings there have concluded
07/02/2014	65	and that plaintiff's claims are properly before this court. The
07/02/2014	65	defendant's request for attorney's fees is denied at this time.
07/02/2014	65	(Cosgrove, J). Notices mailed 7/2/2014
10/07/2014	66	Plaintiff Michael Dockery's emergency MOTION for temporary
10/07/2014	66	restraining order or preliminary injuction to stop foreclosure
10/07/2014	67	(P#66) After review by the court, order of notice to issue
10/07/2014	67	returnable. Summons & Order of Notice to issue, returnable on
10/07/2014	67	10-14/14 @ 2PM in Brockton.
10/10/2014	67	Non-Party 21st Mortgage Corporation's MOTION for Temporary
10/10/2014	67	Restraining order or Preliminary injunction; statement of reasons
10/14/2014	68	Opposition to Plaintiff's motion for TRO or PI filed by Non party
10/14/2014	68	21st Mortgage Corporation, Statement of Reasons in Support
10/17/2014	69	Plaintiff's MOTION for Temporary Restraining order or Preliminary
10/17/2014	69	Injunction
10/23/2014	70	Non-Party 21st Mortgage Corporation's supplemental memorandum of law
10/23/2014	70	in support of its opposition to plttf's motion for temporary
10/23/2014		

	70	restraining order or preliminary injunction
10/27/2014	71	Motion (P#69) After hearing, the motion for preliminary injunction
10/27/2014	71	is ALLOWED until 1/5/2015 @ 2 PM and the foreclosure is stayed until
10/27/2014	71	that date, to see what happens in the bankruptcy court. This matter
10/27/2014	71	is continued for further hearing on this matter on 1/5/2015 @ 2 PM
10/27/2014	71	(William F. Sullivan, Justice). Notices mailed 10/27/2014
10/27/2014	72	TEMPORARY RESTRAINING ORDER issued; \$90.00 received, Michael Dockery
10/27/2014	72	returnable 1/5/2015
